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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1645

PATENT
4249-0101P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Lily CHAN et al. Conf.: 4250
Appl. No.: 09/461,774 Group: 1645
Filed: December 15, 1999 Examiner: SWARTZ, R.P.
For: BACTERIAL-DERIVED MOLECULES AND
THERAPEUTIC AND DIAGNOSTIC USES THEREFOR

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 7, 2004

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated April 7, 2004 of the Primary Examiner finally rejecting claims 27-47.

This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of two (2) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$420.00 is required for the full period of the above-requested extension of time.

An extension of _____ month(s) for responding to the Final Rejection was previously requested and paid for on _____. Thus a fee of \$0.00 is required to obtain an additional _____ month(s) for filing the Notice of Appeal.

Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

Large entity - \$330.00
 Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$0.00.

Payment of the above TOTAL FEE is being made in the following manner:

Check(s) in the amount of \$750.00 is/are enclosed.
 Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Mark J. Nuell
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